

AG Contract No. KR03-0388TRN
ADOT ECS File No.: JPA 02-202
Amendment #1
Project No. TEA-087-B (003) A
TRACS No. H6221 01D & 01C
Budget Source, Item No.: 75604

**AMENDMENT NO. ONE (1)
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PAYSON

THIS AGREEMENT is entered into 6th April, 2004, Amendment One to JPA 02-202, AG Contract No.: KR03-0388TRN, filed with the Secretary of State under No. 26126, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PAYSON, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

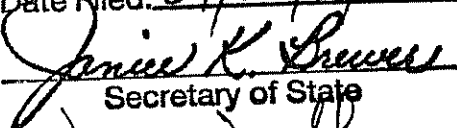
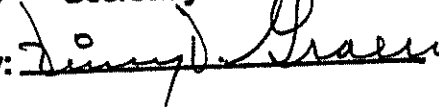
2. The Town is empowered by Arizona Revised Statutes Section 9-240 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

The Town and the State agree to abandon certain sections of State Route (SR) 87 on both sides of the roadway within the boundaries of the Project. The Town and the State to incorporate certain provisions for maintenance associated with the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, this Agreement is amended as follows:

Recital 4. is added as follows:

4. The State and the Town desire to amend this agreement in which to modify the maintenance responsibilities of the original agreement. And upon completion of the State's proposed project, abandon certain sections of State's right-of-way along a two-mile section of SR 87 from the southern boundary of Payson to a point north of the intersection of SR 87 with SR 260; 1) Green Valley Parkway to Main Street, 2) Main Street to SR 260 and, 3) Airline Road to Houston Mesa. The parties agree that the State will continue to provide maintenance responsibilities to the Traffic Signals and State Signs outside of States right-of-way and the Town will accept ownership jurisdiction and maintenance responsibilities of the above mention sections including landscaping and all appurtenance associated with the Project from the existing right-of-way back of the curb to the existing right-of-way lines.

NO. 26126 #01
Filed with the Secretary of State
Date Filed: 04/06/04

Secretary of State
By: 

II. SCOPE OF WORK**Add d & e. to Article II. as follows:**

1. The State will:

d. Upon execution of this agreement and approval by resolution of the State Transportation Board, abandon ownership jurisdiction and maintenance responsibility of the following sections mentioned in Recital 4, from the existing right-of-way back of the curb to the existing right-of-way lines.

e. Be responsible for the proper maintenance of State traffic signals and State signs outside of States right-of-way for the benefit of the traveling public.

2. The Town will:

Add d & e. to Article II. as follows:

d. Upon approval by resolution of the Transportation Board and execution of this agreement accept ownership jurisdiction and maintenance responsibilities including landscaping and all appurtenance associated with the Project from the existing right-of-way back of the curb to the existing right-of-way lines. Waive the requirements of Arizona revised Statue 28-7209.

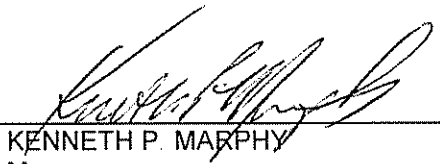
e. Grant the State right-of-entry access outside of the States right-of-way as required to perform maintenance of the signals and signs

EXCEPT AS AMENDED Herein, All Other terms and conditions of the original Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF PAYSON

By

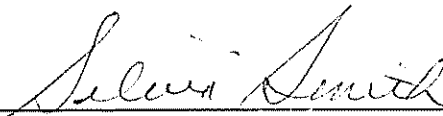

KENNETH P. MURPHY
Mayor**STATE OF ARIZONA**

Department of Transportation

By


DOUGLAS A. FORSTIE, P.E.
Acting Deputy State Engineer, Operations**ATTEST**

By


SILVIA SMITH
Town Clerk

RESOLUTION NO. 1923

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. ONE (1) TO THE INTER-GOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE TOWN OF PAYSON FOR CONTRACT NO. KR03-0388TRN, ARIZONA DEPARTMENT OF TRANSPORTATION FILE NUMBER JPA 02-202 REGARDING THE HIGHWAY 87 SCENIC BEAUTIFICATION PROJECT.

WHEREAS, on or about June 12, 2003, the Mayor and Common Council passed and adopted Resolution Number 1794 approving an intergovernmental agreement with the State of Arizona, Department of Transportation, for a scenic beautification landscaping project along Highway 87 in the Town of Payson; and

WHEREAS, the Arizona Department of Transportation and the Town of Payson wish to modify their respective maintenance responsibilities under said intergovernmental agreement; and

WHEREAS, for such purpose, the parties have negotiated Amendment No. One to said intergovernmental agreement,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That Amendment No. One (1) to the Intergovernmental Agreement Between the State of Arizona and the Town of Payson for AG Contract No. KR03-0388TRN, ADOT ECS File No. JPA 02-202, attached hereto marked Exhibit "A" and made a part hereof as though set forth in full at this point, be and is hereby approved in substantially the form attached.

Section 2. That Kenneth P. Murphy, Mayor of the Town of Payson, be and is hereby authorized to execute said Amendment No. One (1) to the Intergovernmental Agreement Between the State of Arizona and the Town of Payson for AG Contract No. KR03-0388TRN, ADOT ECS File No. JPA 02-202, in substantially the form set forth in Exhibit "A".

Section 3. That the Town be and is hereby authorized to take such other and further actions as may be necessary or appropriate to implement the terms and intent of this Resolution Number 1923, said intergovernmental agreement and Amendment No. One (1) thereto.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 11th day of March, 2004, by the following vote:

Prepared by Town of Payson Legal Department

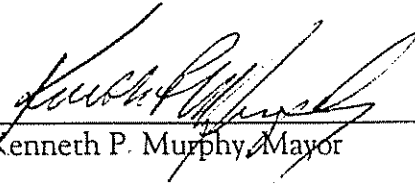
SIS drs March 4, 2004 (2:24PM)

C:\MyFiles\Resolutions\1923 Approving Amendment to ADOT IGA for Hwy. 87 Enhancement Grant.wpd


Page 1

MAR 11 2004 E.L.B.

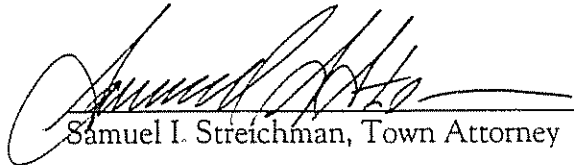
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0


Kenneth P. Murphy, Mayor

ATTEST:


Silvia Smith, Town Clerk

APPROVED AS TO FORM:

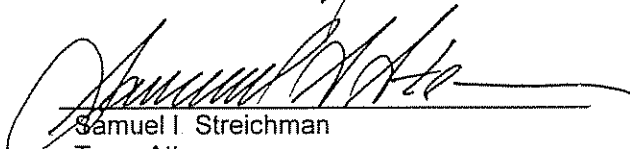

Samuel I. Streichman, Town Attorney

APPROVAL OF THE TOWN OF PAYSON ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, among the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF PAYSON, an agreement among public agencies which, has been reviewed pursuant to A R S. section 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

Approved To Form

DATED this 16th day of March, 2004



Samuel I. Streichman
Town Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE 602.542.8855

TERRY GODDARD
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR03-0388TRN (**JPA 02-202-Amendment #1**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: March 31, 2004.

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan E. Davis".

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED/mjf
Attachment
837291